

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CARLA CASTILLO LINN,

Plaintiff,

v.

JO-ANN STORES, LLC,

Defendant.

C23-1035 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendant's motion for summary judgment, docket no. 27, is DENIED. Genuine issues of material fact preclude summary judgment.

(2) Although Defendant's motion to strike, see Def.'s Reply at 10–15 (docket no. 43), portions of the Declaration of Joellen Gill, docket no. 34, was denied, see Minute Order at ¶ 1 (docket no. 46), Defendant has raised issues concerning Gill's anticipated testimony that must be addressed in advance of trial. The Court therefore treats Defendant's motion to strike as a motion to exclude portions of Joellen Gill's opinion,¹ and such motion is DENIED in part and DEFERRED in part as follows.

(a) Defendant argues that Gill improperly relies on five previously undisclosed publications to support her opinions. Def.'s Reply at 14–15.

¹ The deadline for filing motions related to expert testimony expired on February 22, 2024. See Minute Order at ¶ 2 (docket no. 24). Although Defendant opted not to file a separate motion to exclude Gill's testimony, the motion to strike that was imbedded in its reply brief was filed before the deadline expired.

1 Defendant's motion to exclude is DENIED in part as to this ground. Defendant
2 will be permitted to depose Gill with respect to the five previously undisclosed
3 publications within twenty (20) days of the date of this Minute Order. The total
4 time for such deposition is limited to three (3) hours.

5 (b) The Court DEFERS with respect to challenges to portions of Gill's
6 opinion under Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579
7 (1993). Plaintiff shall file a response with respect to this portion of Defendant's
8 motion by March 22, 2024, and any reply is due by 9:00 a.m. on March 27, 2024.

9 (3) The STAY of Defendant's motion for partial summary judgment, docket
10 no. 35, Defendant's motion to exclude Theodore Becker, docket no. 37, Defendant's
11 motion to exclude Brian Wicks, docket no. 41, and Plaintiff's motion to exclude, docket
12 no. 47, is hereby LIFTED. Those motions are renoted to March 29, 2024. Responses are
13 due on March 22, 2024, and any replies are due by 9:00 a.m. on March 27, 2024.

14 (4) The trial date and all other dates and deadlines set forth in the Minute Order
15 entered October 25, 2023, docket no. 24, shall remain in full force and effect.

16 (5) The Clerk is directed to send a copy of this Minute Order to all counsel of
17 record.

18 Dated this 13th day of March, 2024.

19 Ravi Subramanian
20 Clerk

21 s/Laurie Cuaresma
22 Deputy Clerk